**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**SECOND APPEAL NO.249 OF 2006**

Shri Adgonda Paigonda Patil ..Appellant.
Vs.
Shri Bapusaheb Malgonda Patil ..Respondent.

Mr.A.B.Vagyani, adv. for the Appellant.

**CORAM : J.H.BHATIA, J.**
**DATE : JULY 6, 2007.**

P.C.

1. Heard Mr.Vagyani the learned counsel for the appellant. The appellant is original plaintiff. He had filed Civil Suit No.55 of 1994 against the respondent contending that the respondent had encroached upon 2 R. of land from southern side of Gat No.1718 belonging to the appellant and this was disclosed during the measurements. This contention was denied by the defendant. According to him, he was owner of the adjacent land bearing Gat No.1715 for about 30 years while the plaintiff/appellant had purchased land bearing Gat No.1718 recently. While denying encroachment he also contended that even if he was in possession of 2 R. of land, the possession was for 30 years and, therefore, he had become owner by adverse possession. The trial Court after hearing the parties held that the plaintiff had failed to prove encroachment. Alternate plea of adverse possession was

also negated. In the result, the suit came to be dismissed. The plaintiff preferred Regular Civil Appeal No.506 of 1997. The Appellate Court also negated the claim of the plaintiff about encroachment of the respondent/defendant and dismissed the appeal. Thus, there is a concurrent finding of the facts by the Courts below. No substantial question of law is involved.

2. In the result, appeal stands dismissed summarily.

**[J.H.BHATIA, J.]**